

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, May 22, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Koranda called the meeting to order at 7:00 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz, and Jason Burnett. Commissioners absent: Eric Schultz and Dan Popp. Also present: Community Development Director Fred Sherman, Planner Erik Pollom, City Council Member Thomas Breen, applicant Pat Burton, and applicants Phillip and Greg DiVilbiss of Bristol Partners XVIII, L.L.C.

II. Approval of Minutes

The minutes of the May 8, 2006, meeting, were approved by unanimous consent.

III. Agenda Items

1. Z-06-05

Conduct a public hearing and consider rezoning property from A (Agricultural District) and C-3 (Commercial District) to C-2 (General Business District) for a 9.19 acre property located at 29960 W. 191st Street. The application is filed by Patrick Burton.

Chairman Koranda opened the public hearing at 7:02 p.m.

Planner Pollom presented the staff report.

1. **APPLICANT:** Patrick Burton, property owner, is the applicant.
2. **REQUESTED ACTION:** The applicant requests rezoning from A, Agricultural District, and C-3, Commercial District, to C-2, General Business District.
3. **LOCATION:** The 9.2 acre property is located at 29960 W. 191st Street.
4. **EXISTING ZONING:** The property is currently zoned A, Agricultural District, and C-3, Commercial District.
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by the largely undeveloped Shean's Crossing commercial subdivision to the east and northeast, vacant agricultural property to the north and south, and vacant unincorporated agricultural ground to the west.
6. **LAND USE AND ZONING PATTERNS:** The zonings of the surrounding properties are C-3, Commercial District, to the east and northeast; A, Agricultural District, to the north and south; and unincorporated land to the west zoned RUR, Rural District, in Johnson County.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 prescribes commercial land uses for this property and for properties to the east of this subject property. The requested C-2 zoning conforms to the intent of the Community Development Plan. The Development Plan Map indicates that the western edge of this property is appropriate for a future realignment of 191st Street to its preferred intersection with Gardner Road at 188th Street. Future land uses in this area are shown to be medium density residential to the north and west of this arterial, and commercial to the east and south, using the road as a buffer.

Specific adopted Commercial Land Use Goals and Policies that are applicable to this rezoning request:

Goal 1: Established Commercial Area Development - Allow for the formation, retention, and expansion of commercial development in the established areas of the city.

Policy 1.3: Ensure Compatibility of Development - Encourage investment in new and existing commercial development which is compatible in size, architectural design, intensity, and signage with the surrounding land uses in established areas.

Policy 1.5: Contain Commercial Development - Encourage the formation, retention, and expansion of commercial development within the existing commercial boundaries as shown of the Community Development Plan Map.

Goal 2: Compatible Transition from Commercial Development to Less Intensive Uses - Ensure compatible transition from commercial development to residential neighborhoods and other less intensive land uses.

Goal 3: Locational Criteria for Commercial Development - Plan for sufficient and varied choices in the location of commercial activities which serve a definite market need within the city, but avoid over building.

Policy 3.1: Follow Locational Criteria for All Commercial Development -

The locational criteria for all commercial development are:

- a) Limit commercial development to the areas shown as commercial on the Community Development Plan Map.
 - b) Discourage the formation or expansion of strip commercial development by focusing new growth in a more clustered pattern.
 - c) Promote the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
 - d) Encourage commercial development to form as part of existing or new shopping centers as opposed to isolated parcels along commercial strips.
 - e) Limit the principal access of commercial development to thoroughfare, reverse frontage, or commercial streets.
 - f) Encourage commercial development to locate on sites having minimal slope to avoid substantial grading and disruption of natural drainage and vegetation.
 - g) Promote the retention of stands of trees, natural vegetation, and environmentally sensitive areas whenever possible to act as buffers between developments and as site amenities within developments.
8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant has indicated no specific plans for the use of this property beyond the desire for a C-2 zoning classification. As the requested zoning is not for a planned district, no preliminary development plan is required for approval. When specific plans for development of this property are completed, approval of a site plan will be required.
9. **STAFF RECOMMENDATION:** If the Planning Commission determines that the site and development issues can be adequately addressed at the time of site plan approval, staff recommends that the Planning Commission forward the rezoning application for the Burton Property (Z-06-05) to the City Council with a recommendation for approval, with no conditions.

Chairman Koranda invited questions from the commissioners.

Commissioner Mertz asked how far the subject property was from Gardner Road. Applicant Patrick Burton stated that his property was approximately ½ mile west of Gardner Road.

Chairman Koranda invited comments from the applicant. Mr. Burton stated that he was simply requesting to rezone his property to more closely reflect the City's Community Development Plan.

Commissioner Mertz asked Mr. Burton if he had any specific development plans, and he stated that he did not.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Mertz, second Kilgore, to close the public hearing at 7:06 p.m.

Motion Carried: 5 to 0 Aye (Schultz and Popp: Absent)

Chairman Koranda invited comments from the commissioners. There were no comments from the commissioners.

Motion Mertz, second Kilgore, to forward the Rezoning Request to rezone the Patrick Burton property located at 29960 W. 191st Street from A, Agricultural District, and C-3, Commercial District, to C-2, General Business District (Z-06-05), to the City Council with a recommendation for approval, with no stipulations.

Motion to Forward Carried: 5 to 0 Aye (Schultz and Popp: Absent)

2. **Z-06-06**

Conduct a public hearing and consider rezoning property from M-2 (General Industry District) to CP-2 (Planned General Business District) for a 4.73 acre property located on the northwest corner of the Lincoln Lane and Stone Creek Drive intersection. The application is filed by Bristol Partners XVIII, L.L.C.

Chairman Koranda opened the public hearing at 7:07 p.m.

Planner Pollom presented the staff report.

1. **APPLICANT:** Bristol Partners XVIII, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
 2. **REQUESTED ACTION:** The applicant requests rezoning from M-2, General Industry District to CP-2, Planned General Business District.
 3. **LOCATION:** The 4.73 acre property is located on the northwest corner of the Lincoln Lane and Stone Creek Drive intersection.
 4. **EXISTING ZONING:** The property is currently zoned M-2, General Industry District.
 5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by the approved (but not yet constructed) 123,876 square foot Patriot industrial building to the north, commercial strip development to the west and south, and industrial office uses to the east that include a conditional use permit for a fitness club.
 6. **LAND USE AND ZONING PATTERNS:** The zonings of the surrounding properties are M-2, General Industry District, to the north and northeast; M-1, Restricted Industry District, to the east; and CP-2, Planned General Business District, to the south and west.
- CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 shows the desired land uses for this location as Business Park/Office. The request to rezone this property to CP-2 does not strictly conform to the Community Development Plan. The Development Plan Map shows business park uses for this property, and prescribes commercial uses for the adjacent properties to the west and south. The adopted goals and policies of the Community Development Plan outline other criteria to consider beyond the land use types prescribed by the map:

Policy 1.3: Ensure Compatibility of Development

Encourage investment in new and existing commercial development which is compatible in size, architectural design, intensity, and signage with the surrounding land uses in established areas.

Policy 3.1: Follow Locational Criteria for All Commercial Development -

The locational criteria for all commercial developments are:

- a) Limit commercial development to the areas shown as commercial on the Community Development Plan Map.
- b) Discourage the formation or expansion of strip commercial development by focusing new growth in a more clustered pattern.
- c) Promote the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
- d) Encourage commercial development to form as part of existing or new shopping centers as opposed to isolated parcels along commercial strips.
- e) Limit the principal access of commercial development to thoroughfare, reverse frontage, or commercial streets.
- f) Encourage commercial development to locate on sites having minimal slope to avoid substantial grading and disruption of natural drainage and vegetation.
- g) Promote the retention of stands of trees, natural vegetation, and environmentally sensitive areas whenever possible to act as buffers between developments and as site amenities within developments.

The proposed CP-2 zoning is a slight deviation from the land use prescribed by the Development Plan Map, which calls for business park/office uses at this location. However, an expansion of the established commercial development in this area may be compatible with several of the goals and policies of the Community Development Plan.

7. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a rezoning application and a preliminary development plan for the development of 28,650 sq. ft. of retail commercial/office uses on 4.73 acres.

While the requested uses and rezoning districts are not fully compatible with the adopted Community Development Plan Map, the proposed use of the property offers an integrated planned development concept that accomplishes several community goals and policies.

Development Plan Compatibility

The proposed commercial development is an extension of the commercial "node" designated on the Community Development Plan Map that surrounds this property to the west and south. The buildings designated in the submitted development plan place a commercial strip center adjacent to the existing commercial development along Lincoln Lane, and an office/storage building on the north end of the property, adjacent to the Patriot Building lot. While this is not a strict adherence to the Development Plan Map, the progression from commercial to office to industrial appears to be logical at this location.

Drive-Through Windows and Order Boards

In recent meetings, the Planning Commission has spent a great deal of time considering the appropriate location and performance criteria for drive-through windows and order boards in commercial developments. The proposed commercial

strip building requests drive-through windows at both ends, with varying amounts of stacking space. The western drive-through lane contains an approximately eight car stacking space. The eastern drive-through allows only three cars of stacking. Currently the zoning ordinance is silent on this issue.

Surrounding cities' criteria for drive-through windows vary widely. Those that have regulations in place range from as flexible as allowing the requirement to be set by the traffic engineer on a case-by-case basis to as strict as requiring fourteen spaces of stacking in the queue (minimum, including 10 *before* the order board) for a restaurant.

Consideration, direction, and action by the Planning Commission on the submitted site plan and associated development plan will help staff define and establish new standards for drive-through lanes for the City of Gardner. These standards can be included into the next revision of the zoning code and/or incorporated into adopted commercial development standards. Standards for consideration include:

- Total required vehicle stacking space;
- Vehicle stacking behind the order board;
- Vehicle stacking between the order window(s) and order board(s); and
- Total number of drive-through operations per building.

For the purposes of this application, staff is comfortable with the submitted plans if the eastern drive-through window is precluded from having an order board. The applicant has expressed a desire to market this tenant space for a prospective dry cleaning business. Given the nature of a commercial strip building, a dry cleaning business may be in place one day and gone the next. Eliminating the possibility of an order board from this tenant space is a disincentive to any restaurant that would require a drive-through window, and does not hinder the ability for a low traffic tenant (such as a dry cleaning business) to operate a pick-up window.

8. **STAFF RECOMMENDATION:** If the Planning Commission finds that the proposed plan meets City goals and development policies, staff recommends that the Planning Commission forward the Rezoning Request to rezone the Bristol Partners XVIII, L.L.C., property from M-2, General Industry District, to CP-2, Planned General Business District (Z-06-06), and the Preliminary Development Plan for Lincoln Plaza (PDP-06-05), to the City Council with a recommendation for approval, subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and is incorporated by reference as if set out in full herein.
 - b. The eastern drive-through lane shall not feature an order board or menu board of any kind, including placement options that propose a board mounted on the side of the building.
 - c. No signage is approved with this rezoning and preliminary development plan.
 - d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
 - e. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this property.

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant. Applicant Phillip DiVilbiss of Bristol Partners XVIII, L.L.C., gave a brief presentation. He discussed the preliminary plans for the designated pick-up window on the eastern end of the proposed southern building, and explained his intention to lease that space to a dry cleaning business or a similar "low window traffic" type of business. He added that if they could not find that type of business to lease the space, they would probably remove that pick-up window; and emphasized that the unit with the pick-up window was not intended for any type of restaurant or food service business. Mr. DiVilbiss also discussed the general layout and design of the overall proposed development, and pointed out the additional parking areas which could alleviate some of the parking problems for the businesses immediately west of the subject property, west of the railroad tracks.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Mertz, second Burnett, to close the public hearing at 7:18 p.m.

Motion Carried: 5 to 0 Aye (Schultz and Popp: Absent)

Chairman Koranda invited comments from the commissioners.

Chairman Koranda expressed his concerns regarding the safety of customers crossing the railroad tracks to go to businesses west of the subject property upon using the parking areas in the proposed development.

Planner Pollom stated that the only obvious track crossing indicated on the development plan was the Lincoln Lane crossing. He pointed out that the sidewalks indicated on the plan would direct pedestrians to the sidewalks along Lincoln Lane; and the public safety department had reviewed the plan and not expressed any safety concerns.

Chairman Koranda and Mr. DiVilbiss discussed potential pedestrian traffic in the subject area. Mr. DiVilbiss explained that the proposed parking area would be quite well lit and internal sidewalks would direct pedestrians to the Lincoln Lane sidewalks. He added that it would be difficult to predetermine if many, few, or no customers of the businesses west of the subject property would utilize the subject parking areas. Mr. DiVilbiss noted that any train traffic would only be during daylight hours, and the tracks would only be used at night by parked trains.

Commissioner Mertz commented that the development was very well designed.

Commissioner Godwin stated that he liked the development proposal, especially the southern facing orientations of the buildings.

Chairman Koranda asked if additional train traffic from the potential Intermodal development would cause increased use of the railroad spur adjacent to the subject property. Planner Pollom stated that only continued growth of the New Century AirCenter would potentially increase train traffic on that spur.

Chairman Koranda, Commissioner Godwin and Council Member Thomas Breen discussed the incidents of traffic stoppage caused by use of the subject railroad spur. Mr. Breen pointed out that the tracks had to be switched manually, which would account for the time periods that trains utilizing the spur would block traffic on Lincoln Lane, and also on U.S. Highway 56. He added that the potential Intermodal facility would not impact the railroad spur usage, but future growth of the New Century AirCenter businesses and development could potentially create more train traffic there.

Motion Mertz, second Kilgore, to forward the Rezoning Request to rezone the Bristol Partners XVIII, L.L.C., property located on the northwest corner of the Lincoln Lane and Stone Creek Drive intersection from M-2, General Industry District, to CP-2, Planned General Business District (Z-06-06), and its accompanying development plan (PDP-06-05), to the City Council with a recommendation for approval, subject to staff recommendations.

Motion to Forward Carried: 5 to 0 Aye (Schultz and Popp:

Absent)

IV. Discussion

- Planner Pollom and the commissioners discussed the need to review and revise the City regulations regarding vehicle stacking standards for pick-up and order windows in commercial districts. They agreed that vehicle stacking should be entirely accommodated within the particular commercial development sites themselves, and

not allowed to overflow onto public streets. Planner Pollom briefly noted the standards for several metro area cities.

- Council Member Breen discussed the recent American Planners Association conference in San Antonio and strongly encouraged the commissioners to try to attend the 2007 conference, noting the invaluable information and discussions available to planning commissioners and planning staffs.
- Motion Mertz, second Burnett, to consider the Site Plan for First Choice Office Building located on the north side of Lincoln Lane, east of Stone Creek Drive (SP-06-03). Motion Carried: 5 to 0 Aye (Schultz and Popp: Absent)
- Motion Mertz, second Godwin, to table consideration of the Site Plan for First Choice Office Building located on the north side of Lincoln Lane, east of Stone Creek Drive (SP-06-03) to the June 26, 2006, Planning Commission meeting. Motion to Table Carried: 5 to 0 Aye (Schultz and Popp: Absent)

VI. Adjourn

Motion Kilgore, second Godwin, to adjourn the meeting at 8:09 p.m.

Motion to Adjourn Carried: 5 to 0 Aye (Schultz and Popp: Absent)

Cindy Weeks, Planning Service Specialist
Community Development Department

